IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.488 OF 2005

Peacock Industries Ltd.
and Or. ..Petitioners

Vs.

Lloyds Finance Ltd.
and Anr. ..Respondents

...

M/s.Niranjan and Co.for Petitioners
Mr.D.P.Adsule A.P.P. for State

...

WITH

CRIMINAL WRIT PETITION NO.2151 OF 2005

Peacock Industries Ltd.
and Or. ..Petitioners

Vs.

Lloyds Finance Ltd.
and Anr. ..Respondents

...

M/s.Niranjan & Co. for Petitioners
Mr.Rajesh More A.P.P. for State

...

WITH

CRIMINAL WRIT PETITION NO.2157 OF 2005

Mr.Hatim Ali Dawood ..Petitioner

Vs.

Vivek Wadhavkar & Anr. ..Respondents

...

Mr.Niranjan and Co. for Petitioner

Ms.S.V.Gajare A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : SEPT. 14,2005

P.C.

1. Heard the learned advocate for the Petitioners and the learned A.P.P. for the State in all the three matters.

2. The Petitioners are seeking quashing of process issued by the learned Metropolitan Magistrates, 17th Court, Mazgaon, Mumbai, 4th Court, Girgaum and 16th Court, Ballard Pier Mumbai in Case Nos.839/S/2002, 766/S/2003 and and 3525/S/2003 respectively. In the said cases process was issued against the petitioners under Section 138 r.w. 141 of Negotiable Instruments Act.

3. For the reasons recorded in the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode reported in 2005(3) Mh.L.J.778,** I am of the opinion that the petitioners have an efficacious remedy of preferring revision against

the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioners makes a statement that the necessary revision will be preferred within four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks.

5. On the necessary revision being preferred by the peittioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Writ Petitions are disposed of.

[V.K.TAHILRAMANI,J.]